

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PHILIP G. PAYNE,

Defendant.

No. 14-CR-143-LRR

**ORDER REGARDING
MAGISTRATE'S REPORT AND
RECOMMENDATION
CONCERNING DEFENDANT'S
GUILTY PLEA**

I. INTRODUCTION AND BACKGROUND

On December 18, 2015, a three-count Information was filed against the defendant, Philip G. Payne. On January 5, 2015, the defendant appeared before United States Chief Magistrate Judge Jon S. Scoles and entered a plea of guilty to Count 1 of the Information. On January 5, 2015, Judge Scoles filed a Report and Recommendation in which he recommended that the court accept the defendant's guilty plea. On January 5, 2015, the defendant filed a Waiver of Objections to Report and Recommendation. The court, therefore, undertakes the necessary review of Judge Scoles's recommendation to accept the defendant's plea in this case.

II. ANALYSIS

Pursuant to statute, this court's standard of review for a magistrate judge's report and recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.

28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Civil Procedure 72(b) provides for

review of a magistrate judge's report and recommendation on dispositive motions and prisoner petitions, where objections are made, as follows:

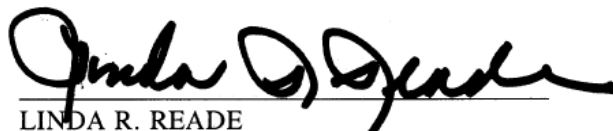
The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

Fed. R. Civ. P. 72(b).

In this case, no objections have been filed, and it appears to the court upon review of Judge Scoles's findings and conclusions that there is no ground to reject or modify them. Therefore, the court **ACCEPTS** Judge Scoles's Report and Recommendation of January 5, 2015, and **ACCEPTS** the defendant's plea of guilty to Count 1 of the Information.

IT IS SO ORDERED.

DATED this 6th day of January, 2015.



LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA